

1963) LEGAL ADVICE

1 of 3

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70-9572

5 MAR 1970

**\*OGC Has Reviewed\*****MEMORANDUM FOR: Executive Director-Comptroller****SUBJECT: Authorization of Return Before Completion  
of Tour of Duty**

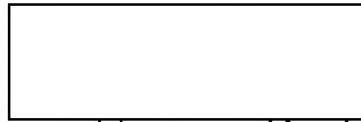
1. This memorandum contains a recommendation for your approval; this recommendation is in paragraph 3.

2. Confirming our conversations regarding your earlier position that the Director of Personnel should approve an individual's return prior to completion of his tour of duty abroad, when such return is determined to be in the government interest, I would propose that approval be by the Deputy Director concerned, with the concurrence of the Director of Personnel. The following language in the regulation would, I believe, accomplish this purpose:

"Upon the request of an Operating Official and the Head of the employee's Career Service, the Deputy Director concerned, with the concurrence of Director of Personnel, may approve the return of an individual before he completes his tour of duty abroad when such return is in the Government interest. These authorities and responsibilities may not be redelegated. The circumstances and Government interest involved will be fully explained in writing by the Operating Official. (The grant of home leave to an employee returned before the end of his tour of duty abroad is governed by [redacted])"

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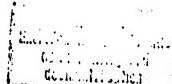
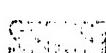
3. It is recommended that the language proposed in paragraph 2 above be substituted for the language in Paragraph 20-18e of the attached proposed regulation.



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(John W. Coffey)  
Acting Deputy Director  
for Support

Attachment



SIGMA  
SUBJECT: Authorization of Return Before Completion of Tour of Duty

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CONCUR:

*PSW*  
*from* Director of Personnel

5 March 1970

Date

The recommendation contained  
in paragraph 3 is approved:

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Executive Director-Comptroller

6 Mar 70

Date

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SSA/DDS

(3-5-70)

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SIGMA

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11 OCT 1968

MEMORANDUM FOR: Executive Assistant to the Deputy  
Director (Support)

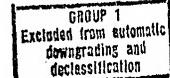
SUBJECT:

Draft C of [redacted]

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1. We have subjected Draft C to extensive review. Attached hereto are copies of memoranda prepared by several members of this Office. The memoranda designate a number of points in which Draft C is legally unsatisfactory and a number of other points in which there are doubts or serious ambiguities, in some instances applicable also to the current regulation. They also indicate that many provisions of Draft C are legally acceptable. A number of comments are suggestions only and some suggest items in which the Draft is more restrictive than is required by law. In the main, we have omitted purely editorial comments. Since Draft C is in part a restatement of certain non-CIA regulations which apply to CIA notwithstanding Draft C, it is not suggested that all points and problems have been exhausted. Further, any extensive redraft of other regulations which apply notwithstanding the redraft could not be certified as free of legal error. We do not suggest that the effect, in any given instance, of any difference between Draft C and the applicable regulation it paraphrases or restates would be large or extensive. However, Agency employees will travel in compliance with this regulation and in reliance on it. We believe every effort should be made to avoid so wording the regulation that refunds, after the fact, might have to be required. On the basis of the legal points, therefore, we are unable to concur.

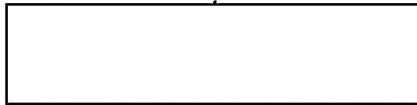
2. I believe the basic difficulty running throughout the Draft in its present form, and the cause of a number of the legally incorrect provisions, is the effort to restate here from

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other binding regulations identical or similar provisions but without the same preceding or succeeding language. As a result, the same language in our regulation will have a meaning different from its meaning in another regulation. We would think the feasible approach would be to recast the Draft, simplifying by utilizing all other regulations which are binding on us and without attempting to restate them. This Office would be glad to submit a Draft. A proper draft should also:

- (a) Prescribe whatever rules are desired, additional to those of non-CIA organizations, based on Sections 4 and 8 of the CIA Act.
- (b) Identify and attach the applicable non-CIA regulations.
- (c) Make clear that amendments to these non-CIA regulations apply to CIA according to their terms, even prior to their publication by CIA.



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Associate General Counsel

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11 OCT 1963

## MEMORANDUM FOR THE RECORD

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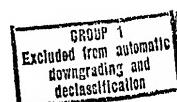
SUBJECT: Pages 1-17, Draft C o [redacted] Part 1-6

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1. The following includes both general and specific comments on Draft C of [redacted]. In reviewing the Draft my most serious criticism involves the attempt made to integrate into one document all travel authorities and regulations to be applied to officers, employees and contractors of the Agency. While it is understandable that the single document approach is desirable, the dangers in misapplication of applicable law make this approach, I believe, inadvisable. Thus, for example, one can read into the Draft the conclusion that all overseas travel comes within the statutory authority of sections 4 and 8 of the CIA Act, whereas all domestic travel is by the authority of the Administrative Expenses Act of 1946 (P. L. 600) and the Travel Expense Act of 1949 (P. L. 81-92). This unfortunately is an oversimplification of the authorities by which Agency personnel travel on official business. Moreover, in commenting on the Draft provisions, I have assumed that wherever statutes other than the CIA Act are to be applied, the regulations issued by the authorities given this responsibility by such statutes must also apply. Since those of us reviewing the Draft regulation were requested to include in our considerations a review of basic authorities, I have not attempted to limit my comments to those portions of the Draft which differ from or are additions to the present [redacted]

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2. Under the present regulation, as well as under its predecessors, it has always been understood that regulations applicable to the Government generally, such as the Standardized Government Travel Regulations, would be applied where applicable and were, in effect, incorporated in

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our regulations by reference. Thus, the decision to integrate all Agency travel provisions into one document, with attachments to be applied only in limited situations, should have necessitated the verbatim incorporation of the language of these extra-Agency regulatory authorities. Furthermore, some swift and effective system for amendment should be expected in order to respond to any changes made in these controlling regulations. Also, the danger of omission and error by paraphrasing such regulations would, I think, militate against any paraphrasing.

3. P. L. 600 gives the President the authority to prescribe regulations for Government travel which Executive Order 10530 of 10 May 1954 delegates to the Director of the Bureau of the Budget. BOB Circular A-56, pursuant to this delegation, regulates the travel and transportation expenses of officers and employees with certain exceptions. While A-56 itself excludes travel by officers and employees of the Government pursuant to provisions of the CIA Act of 1949, as amended, Draft C seems to overlook the fact that A-56 does apply in those cases not within the provisions of the CIA Act. Thus, while generally speaking section 4 of the Act treats travel of Agency personnel to, from and between points abroad, and section 8 of the Act treats certain special problems involving, in the judgment of the DCI, operational, security and cover needs of the Agency in fulfillment of its special mission, there are areas in which these two sections do not apply even with respect to travel abroad. Thus, attachment 3 to [redacted] so often referred to in Draft C, incorrectly omits those portions of A-56 involving travel of employees abroad. For the most part, it correctly applies attachment 3 to domestic travel and therefore, except for some confusing language in paragraph 1 with respect to domestic travel, we could approve this portion of the regulation.

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4. Circular A-56 regulates the travel and transportation expenses of:

(a) civilian officers and employees upon official transfer from one official station to another [redacted]

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(b) such personnel upon return to places of residence or leave between tours of duty overseas;

(c) new appointees:

(1) to positions within the former 48 states and the District of Columbia for which the Civil Service Commission determines there to be a manpower shortage; and

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(2) to any position outside the former 48 states  
and the District of Columbia;

(d) student trainees in certain cases.

✓ There are situations in which A-56 would apply under (a) and (b). It would apply in all cases under (c) and in most cases under (d).

5. The Travel Expense Act of 1949 (P. L. 81-92), as implemented by E. O. 10970 of 27 October 1961 and the Standardized Government Travel Regulations (SGTRs), and the Standardized Regulations (Government Civilians, Foreign Areas), is the basic authority in Government for both domestic and foreign TDY travel. Again, while it is true that sections 4 and 8 of our Act give the Agency authority to regulate in this field, the SGTRs (Circular A-7 of the BOB) cannot be ignored even for foreign travel.

6. In support of the above are the following comments with respect primarily to pages 1-17 of Draft C:

ILLEGIB

1. a. (1) - Section 4 may apply to employees assigned PCS domestically but on TDY abroad; it is not entirely clear that the phrase "regarding employees assigned abroad" covers this situation; in setting forth basic authorities, it might be well to include the statutory language "officers and employees."

1. a. (2) - Unclear whether this is meant to include officers and employees assigned domestically who take TDY abroad, etc. (See (1)).

1. a. (3) - Might be well to designate location of "posts of duty."

1. a. (4) - "paragraphs b and c above" probably mean (2) and (3).

1. a. (5) - Why not apply section 4(6) of the Act with respect to the deceased and the 1940 Act with respect to dependents of the deceased employee?

1. a. (6) - Would more properly fall within paragraph (3) as the implementing regulations for the 1949 Act; if this is to be

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done, A-56 should probably be mentioned in (2);

ILLEGIB

1. b. - Question the use of the term "emergency.  
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1. c. - To the extent that funds for official travel are authorized by a. (2), (3), (5) or (6) above, then advances are in accordance with ordinary provisions of law; it is important in any review of [ ] that it continue to so provide; preferred language here would be to the effect that advances of funds shall be in accordance with [ ] 25X1A

ILLEGIB

2. Provisions of the Draft treat such matters as invitational travel of nonemployees, contractors, etc., yet the language in this paragraph states that the regulation will be limited in application to all Agency personnel and their dependents; while one might read "unless otherwise specified" to include these special areas, it would be best to modify this language to make it apply directly to such unusual categories.

2. a. - Question whether words "may be authorized or approved" are superior to present wording "is authorized."

2. a. (1) - Parallel construction would require addition of word "of" before "new appointees"; could assume from this approach that these (a) and (b) apply to new appointees and remainder of this paragraph does not apply to new appointees; would suggest therefore title to (1.) be dropped and (a) and (b) be limited to new appointees by language.

2. a. (1)(a) - Since the authority for this provision is P. L. 600, it of course would be much better here to incorporate Circular A-56 by reference.

2. a. (1)(b) - It is clear that section 8 has been invoked here with respect to naming the DD/S rather than the Civil Service Commissioner to determine scarcity of qualified candidates; since the Director signed an earlier regulation incorporating this language, there would be no objection to its use.

✓ 2. a. (2) - Payment for travel of personnel transferring from one Government agency to another is provided for under P. L. 600; again, therefore, reference should be made to A-56. Attachment

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against 10/15/63

W.C.M.C.

no change

no change

no change

VIA FSTR Work  
10/15/63

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W.C.M.C.

3, since it does not incorporate paragraphs 3, 4 and 5 of Circular A-56, would be an incomplete reference here as written. With respect to per diem rates, Standardized Regulations (Government Civilians, Foreign Areas) would apply.

2. a. (3) - Section 4(1)(c) of the Act gives special authority with respect to HHE in such cases; as to the individual it is again clear that that wording of section 4(1)(B) applies - "pay the travel expenses...when traveling...in accordance with authority pursuant to the terms of...any other Act." In this case the act is P. L. 600 and A-56 language applies.

2. a. (4) - See comment immediately above.

2. a. (5) - This is an excellent example of the integration into one statement of more than one authority; the "imminent danger" portion of the statement involves application of section 4 of the Act the "serious hazard to health or safety" language comes from Title 5, U. S. C. 73; suggest Circular A-56 be incorporated here by reference.

2. a. (6) - While death of an employee or his dependents while abroad or in a travel status is provided for by section 4(5)(6) of our Act, provision is made for return of dependents of a deceased employee in the 1940 Act referred to above - best to mention this at this point.

2. a. (7) - This, of course, assumes section 8 authority and that failure to meet "administrative" standards requires invocation of the Director's special authority because of the unusual nature of such administrative standards.

2. a. (8) - After ' [ ] ' the wording would be improved by striking "and" and substituting "when"; it would be well to add here travel for home leave (actually annual leave) possible from Alaska and Hawaii; the 20 workdays' rule, of course, is the standard applied by the FSTRs; we have no objection to the adoption or adaptation of regulatory language from other agencies provided the Agency has the authority to regulate on the points and the language properly applies that authority; in this instance, the Agency has set a reasonable administrative standard; we would therefore have no objection.

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✓ 2. a. (9) - With respect to dependents of employees, section 8 is the proper authority for this subparagraph.

[Redacted] 2. a. (10) - Specific reference should be made here to the regulating authority for educational travel (Standardized Regulations (Government Civilians, Foreign Areas)) - paragraphs 280-285.

2. a. (11) - Would suggest in this subparagraph and the next two subparagraphs the omission of the word "travel" or "travel expenses" to preserve parallel construction; this is an all inclusive statement and we would assume it covers TDY under sections 4 and 8 of our Act and the Travel Expense Act of 1949.

2. a. (12) - Would further suggest omitting words "and per diem enroute" as being unnecessary.

*10/16* *DAC-WB* 2. a. (13) - Would suggest omitting words "is authorized" to preserve parallel construction; assume since this is invitational travel and not employee travel the Agency has some special requirement and that section 8 authority has thereby been invoked.

2. a. (14) - Suggest that phrase "which would have been allowed" be changed to "which would have been incurred"; this, of course, is section 8 authority and not FSTR 126. 9.

*NO* 2. b. (1) - Since this is a very specific provision of P. L. 81-92, care should be exercised to follow the wording of the SGTRs.

*OK* *POV* 2. b. (1)(c) - Do you wish to use term "personally-owned conveyance," or are you referring here to "personally-owned vehicle"; if this language is to be incorporated in the regulation, it would be best not to use specific mileage rates but state the rates established by the SGTRs and then in brackets state what they are at present.

*NO* 2. b. (2) - Must this statement be restricted to business within a post of duty?

*NO* 2. c. - Would suggest that since the personnel listed are not really excepted from application of the Draft regulation, some other term be used such as "special treatment" instead of "exceptions!"

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*(and)*  
2. c. (3) - Is the special treatment given to [ ] with respect to application of cover organizations regulations based upon desiring to give them as much as possible under the two regulatory systems, or is it based on the requirement for effective cover; would suggest rewriting this subparagraph.

*No*

2. c. (4) - Question whether [ ] shouldn't spell out some guidelines (cover, etc.) for making such exceptions. 25X1A

*OK*

2. c. (5) - No objection so long as the phrase "if allowable under existing authority" remains.

*SHRP*  
3. - Reading through the definitions, I wonder whether other terms should be added; also it is questionable whether these terms can be given universal application since the applicable statutes and regulations with respect to travel of Agency personnel are not uniform in use of terminology; it might be well to review the entire regulation as well as other regulatory issuances again, picking out terms which should be defined; in general, I believe more must be said with respect to the interplay between such terms as "abroad," "foreign area," "continental United States," "United States," and "domestic"; care should also be exercised in attempting wherever possible to copy definitions verbatim from the SGTRs and Circular A-56. For example, Circular A-56 uses the phrase "the former 48 states," whereas, paragraph e. of the Draft regulation uses the term "the 48 contiguous states"; the treatment of travel, to, from, and between Alaska and Hawaii should be treated throughout these definitions.

*IS 15-12*  
3. f. - Note the definition of "immediate family" under 1.2d of A-56 which uses the term "spouse" instead of "wife" or "husband";

*SHRP* 3. i. It might be well to refer to Circular A-56 for some purposes, whether domestic or abroad.

*SHRP* 4. b. It would be well to refer to P. L. 600 authority and compare this language to Circular A-56.

5. - No comment.

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6. - Since the SGTRs are applied to travel with respect to travel rules, it would be best to incorporate them by reference here; nevertheless, the standards set out in Draft paragraph 6, in reflecting agreed positions of the Comptroller General, both by opinion and negotiation with the Department of State, are useful.

7. A number of objections set forth above would be overcome by incorporating by reference statutory authorities and regulatory language applicable to Agency travelers. It would also be very helpful to spell out in a clear fashion these authorities within each paragraph of the regulation so that the individual applying the regulation could then turn quickly to the appropriate language. The regulation thereby would serve the dual purpose of regulating in the area where the Agency is basically responsible and providing a guide to other regulatory issuances by which Agency personnel travel.

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Office of General Counsel

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 1 - Chrono.  
 1 - Circ.

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23 September 1963

MEMORANDUM FOR: Mr. [REDACTED]

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SUBJECT: Review of Draft C of [REDACTED] paragraphs  
8, 9, 10 and 11

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## 1. [REDACTED] TRAVEL AND TRANSPORTATION EXPENSES.

The preamble to this paragraph reads "Travel and transportation expenses which may be claimed include". I believe this preamble should include the phrase "essential to the transaction of official business" as in the comparable sentence in SGTR 1.2. It would then read "Travel and transportation expenses essential to the transaction of official business which may be claimed include".

(a) The following subparagraphs of proposed [REDACTED] are legally correct on the basis of the cited authorities, or for the reasons stated:

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a., c., and d. - SGTR 3.1a

b. - Refers the reader to paragraph 9. It does not authorize a claim for any expenditure.

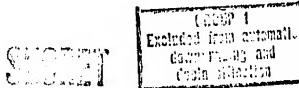
f. - SGTR 10.4c

k. - SGTR 10.1 and 5 U. S. C. A. § 403j(a). The NOTE under k. is copied verbatim from the SGTR 10.1 NOTE.

l. - Not used.

m. - SGTR 10.2

n. - "Shipments by express or freight of Government property". I believe this is implicitly authorized by SGTR 9.1 which provides "Shipments by express or freight of Government property not classed as baggage and not



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admissible to the mails should be made on Government bills of lading, if practicable." [ ] advises me that subparagraph n., like SGTR 9.1, is intended to cover Government property not classed as baggage and not admissible to the mails. He also advises me that it is not practicable for the Agency to ship on Government bills of lading. This being the case, I suggest subparagraph n. should read "Shipments by express or freight of Government property not classed as baggage and not admissible to the mails".

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*No - Qualifying word deleted.*

o. - SGTR 3.4

p. - SGTR 3.1d

r. - SGTR 3.5b(1)

s. - SGTR 3.1c. "When suitable meals or lodging cannot be procured at a temporary duty station, the expense of daily travel to procure meals or lodging at the nearest available place." (Underlining mine.) Other than the "or lodging" provision, subparagraph s. is authorized by SGTR 3.1c. I believe the "or lodging" aspect would be authorized as necessary official travel within the meaning of SGTR 3.1, which relates to allowable transportation expenses and defines transportation as including "all necessary official travel on railroads, airplanes, steamboats, buses, streetcars, taxicabs, and other usual means of conveyance."

t. - SGTR 5.4, 5.5, 5.6

u. - SGTR 10.5

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(b) The remaining subparagraphs (e., g. thru j., and q.) of [ ] are legally correct if given their intended meaning, but they tend towards ambiguity and I urge they be clarified as follows:

e. thru j. Subparagraphs e. thru j. are authorized by SGTRs 10.4 a, c, and d when related to travel outside the United States. Only subparagraph f. specifies travel outside CONUS. [ ] advises, however, that subparagraphs e. thru j. are all intended to relate to travel

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*No change*

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outside CONUS. I suggest therefore that these six subparagraphs, e. thru j., be combined under one heading relating to travel outside CONUS as in SGTR 10.4.

q. Subparagraph q. (1), (2) and (3), relating to use of taxicabs, is authorized by SGTR 3.4a, 3.1b, and 3.4a, respectively. In connection with the use of taxicabs authorized in (1), (2) and (3), this subparagraph allows taxicab tipping "in accordance with local custom." SGTR 3.1b provides with respect to taxicab tipping that "The amount of the tip which is allowable shall be 10 cents when the fare is \$1 or less or 10 percent of the reimbursable fare where it exceeds \$1; if the 10 percent is not a multiple of 5, it shall be increased to the next multiple of 5." [redacted] says this SGTR rule is how the Agency would define local custom, and that he would not object to our specifying this rule instead of the local custom rule now in proposed subparagraph q. Since tipping according to local custom could exceed the SGTR rule, I think this specification is legally necessary if this subparagraph is to be applied to all Agency travel by taxicab.

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25X1A 2. [redacted] BAGGAGE.

(a) The following subparagraphs of proposed [redacted] are legally correct on the basis of the cited authorities:

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a. DEFINITIONS

(1) BAGGAGE. - SGTR 5.1

(2) EXCESS BAGGAGE. - SGTR 5.2

(3) UNACCOMPANIED BAGGAGE. - 5 U.S.C.A. § 403 e(1)(A). Subparagraph (3) grants a special baggage allowance in connection with PCS travel to, from, or between posts "abroad." While the term "abroad" is defined as outside CONUS in Draft C of proposed [redacted], this is not consistent with the definition of this term as generally used in Federal statutes. I believe this term usually means outside the several States and the District of Columbia. I therefore suggest the words "outside CONUS" be substituted for the word "abroad."

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(4) TRANSFER CHARGES. - SGTR 5.4 and 32 C.G. 357.

(5) HANDLING CHARGES. - SGTR 5.6

b. AUTHORIZATIONS

(1) EXCESS BAGGAGE. - SGTR 5.2

(2) UNACCOMPANIED BAGGAGE ALLOWANCE. -  
5 U.S.C.A. § 403 e(1)(A)

c. ALLOWABLE EXPENSES

(1) - SGTR 5.4, 5.5, 5.6

(2) - SGTR 5.2

(3) - 5 U.S.C.A. § 403 e (1)(A)

d. SPECIAL PROVISIONS

(2) - SGTR 5.2

(3) - 5 U.S.C.A. § 403 e (1)(A)

(4) - 5 U.S.C.A. § 403 e (1)

(5) - 5 U.S.C.A. § 403 e (1)(A)

(b) I am uncertain as to the authority for subparagraph d(1) which provides "All shipments of baggage must be commenced not later than 30 days after completion of travel." Neither the SGTRs, the FSTRs, nor the various travel statutes have such a 30-day provision. [ ] thinks there is a Comptroller General decision in point but neither I nor GAO Index-Digest have been able to find it. However, since baggage, by definition, is necessary for the purposes of the official travel, I feel this 30-day rule is reasonable and is a proper exercise of administrative authority.

*m. jones*

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3. [REDACTED] PURCHASE OF TRANSPORTATION. This paragraph is legally correct on the basis of the authorities cited for each of its following subparagraphs:

a. - 5 U.S.C.A. § 403 j(a) and 5 GAO Manual for Guidance of Federal Agencies (GAO Manual) 2010.20, 2013.10.

b. - The first sentence of this subparagraph is authorized by a combination of SGTR 4.1d and 5 GAO Manual 2010.20. The second sentence prescribes that TRs shall not be used to hire boats, motor vehicles (other than taxicabs), aircraft, etc., listed in [REDACTED] advises me that the Agency does not use TRs for [REDACTED] travel for security reasons. This second sentence is therefore authorized by 5 U.S.C.A. § 403 j(a)(1).

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4. [REDACTED] ACCOMMODATIONS. This paragraph is legally correct on the basis of the authorities cited for each of its following subparagraphs:

*No change*  
 a. TRAINS OR SHIPS: - SGTR 3.6 a, b(1). As in the SGTRs and the FSTRs, I suggest that this subparagraph include a sentence to the effect that the traveler's certification as to the lowest available first-class accommodation shall be accepted as prima facie evidence of the facts.

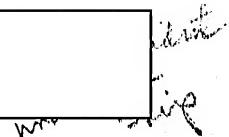
(1) - SGTR 3.6a(1), (2)

(2) - SGTR 3.6 b(1). This subparagraph provides in part "If a traveler elects to travel in cabin or tourist class, he will not be limited to the minimum rate applicable to the lower class utilized but shall be entitled to the cost of the accommodations actually used." Unless cabin or tourist-class accommodations on ships would not cost more than minimum first-class on ships, I believe we should add the following proviso to this part:

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"provided the cost of such accommodations does not exceed the cost of minimum first-class accommodations available at the time reservations are made."

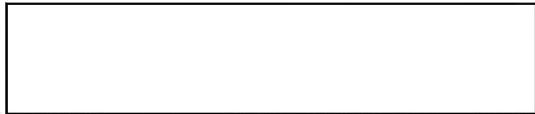
*no change needed*

b. (1), (2). The introductory sentence of this subparagraph reads: "Each authorized traveler, regardless of age, is allowed a seat on an airplane." While not expressly stated in the SGTRs, I believe this is implicit in the first sentence of SGTR 3.6 c (1) and in SGTR 3.6 c (2)(a). (1) and (2) of this subparagraph are authorized by SGTR 3.6 c(1), but note subparagraph (1)(c) refers to subparagraph 7 b(2)(k). There is no subparagraph 7 b(2)(k) in Draft C. I believe it should refer to 7 b (3)(m).   ) o/k  
agrees.

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c. - 5 U.S.C.A. § 403 j(a) and SGTR 3.6d.

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11 OCT 1963

## MEMORANDUM FOR THE RECORD

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SUBJECT: [REDACTED] Draft C

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1. Proposed regulation [REDACTED] pages 42 through 44, is essentially the same as the previous regulation [REDACTED]. The basis for both regulations is 46 USC 1241 (a). The statute referred to applies only to officers and employees of the U. S. Government. The new regulation extends to employees and contract personnel under nonofficial cover. In addition, it retains some complicated rules in determining when foreign ships may be used. This regulation could be greatly simplified by adopting the standards set forth in 31 Comp. Gen. 351 and 35 Comp. Gen. 31. Although the existing regulation is somewhat unclear, there is no legal objection to the formula it proposes.

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2. The proposed regulation [REDACTED] pages 44 and 45 relating to the use of American Airlines, is legally acceptable for the most part. However, with respect to the mode of travel SGTR 3.10 is mandatory upon this Agency because it is not pre-empted by Section 4 of the CIA Act. The proposed regulation uses the FSTR's and may therefore result in the following problems:

*Somebody else  
on this  
one thing*

(a) 13 a (2) appears to be consistent with the SGTR's. However, it should be qualified by further language in order to avoid illegality in its application.

*Pars like  
and stuff*

(b) 13 a (1) (c) is illegal to the extent that it purports to authorize travel where payment is in currencies of countries other than [REDACTED]

25X6

3. The proposed regulation, paragraph 22—7, pages 18 through 31, raises the following legal objections:

(a) 7 a (1) is proper and legal except to the extent that it fails to limit the maximum per diem allowance to that allowed in the locality in which the travel is performed abroad. Without such a limitation, the regulation suggests that the \$10 additional allowance may be given in addition to any, or to the maximum per diem. To reach the latter result, facts justifying the use of Section 8 of the CIA Act would have to be present.

25X1A

(b) There is a possible mistake in cross reference in the proposed [redacted]. The cited subparagraph is substantially a SGTR which contains a different cross reference.

25X1A

(c) Proposed regulation [redacted] (1) may or may not be acceptable. As this section presently stands, it is incomprehensible and cannot be reviewed for legality. The opening sentence purports to limit the entire paragraph to TDY travel. The second sentence introduces a rule involved in PCS travel as well as using the word "dependents." Taken in conjunction with the definition of dependents continued in Draft C it is difficult to say what the meaning of this section is.

ILLEGIB

(d) Proposed regulation 7 b (3) (b) authorizes per diem for fractional days of embarkation at the rate of the destination point. It is suggested that the correct rate would be a rate of debarkation point at least for travel originating within the United States.

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(e) Proposed regulation [redacted] is legally objectionable, as applied to domestic travel. It fails to state the limits that an employee will not be considered in a travel status if he returns to his [redacted] or place of abode in accord with SGTR 6.3.

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Office of General Counsel

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Approved For Release 2003/04/17 : CIA-RDP81-00728R000100130007-3

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46-51

27 September 1963

MEMORANDUM FOR: [REDACTED] 25X1

SUBJECT: Review of Draft C of [REDACTED] paragraphs  
14 and 15 25X1

1. [REDACTED] USE OF PRIVATELY-OWNED CONVEYANCE OUTSIDE POST OF DUTY. I believe this paragraph is legally correct on the basis of the authorities cited for each of its following subparagraphs:

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(a) Subparagraph a. - SGTR 3.5b(1). Note [REDACTED] mentioned in the last sentence of this subparagraph, is not yet in the published Headquarters Regulations. However, [REDACTED] informs me it has been approved and is now at the printers. [REDACTED] grants a transportation allowance not to exceed \$50 per month for Agency personnel whose official duties require substantial recurring use of a motor vehicle.

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(b) Subparagraph b. - SGTR 3.5b(1).

(c) Subparagraph c. - SGTR 3.5b(2).

(d) Subparagraph d. - 5 U.S.C.A. § 403e.

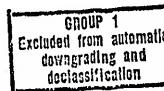
25X1A

2. [REDACTED] DEPENDENTS.

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(a) Subparagraph [REDACTED] 5(a) deals with definition of dependents.

i. (1) of this subparagraph provides "When an employee is assigned to a post abroad his dependents for purposes of travel (except medical and educational travel) are:". (Underlining mine.) It then lists dependents for purposes of travel. The dependents allowed in this list are more liberal than those allowed in BOB Circular A-56. Nevertheless, (1) is undoubtedly correct if we

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*VPA Stake  
Revised 8/20/12*

limit it to travel pursuant to our § 403e. However, for "abroad" travel other than under our Act, I have my doubts. For example, travel expenses of the immediate family in connection with certain leave travel of employees assigned to Alaska or Hawaii are authorized under 5 U.S.C.A. § 73b-1(a). See RHL memorandum of 28 August 1963, OGC 63-2433. Since the regulations (BOB Circular A-56) promulgated pursuant to § 73b-1 define immediate family for purposes of travel under that section, I believe the Agency should use that definition for dependents when traveling under the authority of § 73b-1. An argument to the contrary may be made, on the authority of § 403e(1)(B), that the [redacted] definition of dependents may be applied in the case of "abroad" travel under other Acts. § 403e(1)(B) provides in part that the Agency may pay the travel expenses of members of the family of an Agency employee when traveling in accordance with authority granted pursuant to the CIA Act or any other Act.

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ii. Subparagraph 15a(2), dependent medical travel, is authorized. See OGC 62-2175 with attachments. The attachments include a copy of Mr. Houston's 21 September 1956 memorandum to the Acting DCI recommending that he approve adopting the medical care for dependents benefits granted to the Department of State. The Acting Director did approve this recommendation. This subparagraph also states that dependents for educational travel are those named in paragraph 20. In defining such dependents, paragraph 20 in turn refers back to subparagraphs 15a(1)(b) and (d). This cross referencing is confusing and should be clarified.

iii. Subparagraph 15a(3) is authorized. It refers to domestic transfer and defines dependents as set forth in attachment 3, which I understand is BOB Circular A-56.

(b) Subparagraph 15b (RETURN OF CHILDREN OVER 21 YEARS OF AGE) is authorized under § 403e.

(c) Subparagraph 15c (NEWLY ACQUIRED DEPENDENTS) is correct if it is limited to § 403e travel. [redacted] advises me this is what is intended and agrees it should be expressly so stated in subparagraph 15c.

(d) Subparagraph 15d (ADVANCE RETURN) is authorized under § 403e. For your information, the FSTR provision comparable to subparagraph d(5) has been deleted from the FSTRs

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as of 30 August 1963. Our subparagraph d(6) now appears as 126.1-2c in the FSTRs rather than 126.1-2d as stated in the margin next to d(6).

(e) Subparagraph 15e (REPAYMENT REQUIREMENTS) is authorized under § 403e.

(f) Subparagraph 15f (PER DIEM DURING TEMPORARY DUTY TRAVEL) has been authorized by General Carter under § 403j(b). See OGC 63-0181.

(g) Subparagraph 15g (REST AND RECUPERATION TRAVEL) is authorized under § 403e. Rest and Recuperation (R&R) travel of Agency overseas employees was authorized by the DCI on 31 December 1960. See R&R file in 7 D10.

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Distribution:

- O - Subj -
- 1 - EFM Signer

**SECRET**

25X1A

11 OCT 1963

## MEMORANDUM FOR THE RECORD

SUBJECT: [REDACTED]

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1. I have reviewed paragraph 16, pp. [REDACTED] and pa...graph 17,  
pp. 57-58 of Draft C of [REDACTED] My comments follow.

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2. Paragraph 16 presents at least one basic problem. It is apparently drafted on the theory that Section 4 of the CIA Act covers all shipment or storage of effects in connection with authorized travel to, from, or between posts outside the 48 states and the District of Columbia. This is not necessarily so; for example, travel of new appointees from the United States and transportation of their effects is covered by 5 U. S. C. 73b-3 and the regulations issued thereunder. Where [REDACTED] grants rates or allowances different from those allowed to the Government generally, it must be remembered that individuals traveling under other than Section 4 authorities are subject to the generally applicable rates and not the CIA, [REDACTED] rates.

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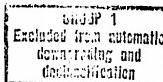
25X1

3. Paragraph 16 - Introduction. I believe the introduction is unclear as to the coverage of this paragraph. The following language is suggested:

"Shipment and Storage of Effects: This paragraph applies to the shipment and storage of effects in connection with authorized travel to, from, or between duty stations abroad. (For shipment and storage for effects in connection with domestic transfers, attachment 3 shall apply.) The Office of Logistics will provide technical guidance and assist personnel in arranging shipment and storage of effects.

a. Maximum..."

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4. Paragraph 16 a (1). The citation to the last sentence of [redacted] (2) (a) (2) no longer applies as that sentence has been crossed out. There are no grounds for legal objection to this subsection. The language is paraphrased from 162 and 162.2 of the Foreign Service Travel Regulations with no change in the substance of that regulation.

5. Paragraph 16 a (2) (a). There is no basis for legal objection to this subsection. It is within the Director's statutory authority and is taken verbatim from the FSTR's.

6. Paragraph 16 a (2) (b). The same comments as in paragraph 5 apply except that it is not quite a verbatim quote of 162.1-2 of the FSTR's. This section differs slightly (to the employee's benefit) from BOB Circular A-56.

7. Paragraph 16 a (3). No legal objection. This scale coincides with rates on the Foreign Service scale for rates below Chief of Mission and Career Ambassador. Whether it is similar in application depends upon whether CIA grades and the Foreign Service grades receiving equal weight allowances are in fact equal.

8. Paragraph 16 a (4). No legal objection. I believe 16 a (4) does not fit naturally into this position in the regulation. It should be removed from its present position and placed in the position designated in Paragraph 18, below.

9. Paragraph 16 a (4) (a). This subparagraph is legally objectionable. It appears to allow "storage in lieu of shipment" of up to 30 days in advance of departure. The CIA Act, Sec. 4 (1) (E), specifically states that temporary storage must be from "date of departure." Thus, in the case of temporary storage paragraph 16 a (4) (a) appears too broad. It should be clarified accordingly.

10. The 2nd sentence of 16 a (4) (a) should be set off as a new subparagraph "16 a (4) (b)." This is so because besides discussing a new matter the sentence is limited to "shipment" and does not refer to "storage in lieu of shipment" as does the first sentence in subsection (a).

11. The subsection now numbered 16 a (4) (a) (1) differs from the wording of the Section 4 authority on which it is based. Whether it differs

in substance is questionable. I believe "(1)" should read:

*OK  
well*  
(1) Because of the prevalence of disturbed conditions, there is imminent danger to life and property."

If clarification of imminent danger is desired this could be placed in parentheses thereafter.

*no day*  
12. Paragraph 16 a (4) (a) (2) is similar to a provision in 168.1 of the FSTR's. It appears otherwise unobjectionable and within the implicit authority of Section 4. Travel under this clause could frequently be based on Section 8 authority also.

13. Paragraph 16 a (4) (a) (3). This section appears to be too broad. Paragraph 15 d, which relates to authorized advance return of dependents contains several instances (Subsections (4) (5) (6) ) where shipment of effects would not be proper. Therefore, this section should read:

*ok with*  
"(3) The shipment is in conjunction with the advance return of dependents authorized under [redacted] (1) (2) and (3)." 25X1A

*no day*  
14. Paragraph 16 a (4) (b). No legal objection. It is based on Section 3.1 and Section 5.2 of BOB Circular A-56.

*no day*  
15. Paragraph 16 b (1). No legal objection. This is within the regulatory authority under Section 4 and is similar to 162.6-1 of the FSTR's.

*no day*  
16. Paragraph 16 b (2). This Section appears necessary to prevent an inequitable application of the regulation regarding weight allowances. It is taken verbatim from 162.6-2 of the FSTR's.

*no day*  
17. Paragraph 16 c. A proper regulation under Section 4.

*no day*  
18. Paragraph 16 d (1). This is an accurate, though abbreviated statement of the statute. I do not understand, however, why this paragraph is placed in this position. It would seem to fall more properly into place before 16 f. I believe 16 e should be placed in this position; then 16 a (4); then 16 a (1); then 16 f.

*no day*  
19. Paragraph 16 d (2 and 3). These subsections are taken verbatim from the FSTR's. If it is desired to adopt the FSTR's on this point there can be no legal objection to it.

20. Paragraph 16 d (4). No legal objection. This again is a  
verbatim adoption of the FSTR's.

21. Paragraph 16 e. No legal objection. It is implicit within the  
Section 4 authority.

22. Paragraph 16 e (1). No legal objection. This is taken practically  
verbatim from the FSTR.

23. Paragraph 16 e (2). No legal objection. This is based on  
Section 8.

24. Paragraph 16 e (3). No legal objection. It is proper under  
Section 4 and is based on the FSTR's.

25. Paragraph 16 e (4). No legal objection. The authority is  
implicit within Section 4.

26. Paragraph 16 e (5). No legal objection. I believe it unnecessary,  
however, to stipulate that if the employee purchases effects on the way home  
and ships them with the rest, even though he pays for the newly acquired  
effects, no payment for any of his effects may be allowed. This seems  
overly restrictive, and I have found no requirement for it.

27. Paragraph 16 e (6). No legal objection. However, it appears  
partly in conflict with Paragraph 16 b (2).

28. Paragraph 16 f (1) (a) and (b). I believe (a) should discuss  
length of storage as is done in BOB Circular A-56 Section 1.2 (e). The  
language should be taken from Section 4 (1) (E) of the CIA Act. No legal  
objection to (b). It is much like the definition in BOB Circular A-56, 1.2 (h).

29. Paragraph 16 f (2). No legal objection. This Section is based  
on FSTR 171. However, in some instances it would seem possible, without  
endangering security, to follow the rule set out in BOB Circular A-56,  
Section 3.4 b (3) requiring that available Government space must first be  
used.

30. Paragraph 16 f (3). No legal objection. This is within the  
Section 4 regulatory authority, and is taken practically verbatim from  
FSTR 172.

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*no date*

31. Paragraph 16 f (4). No legal objection. However, its wording is unclear. It is suggested it refer to "the limitations set forth in [redacted] a." This would require, as has been previously suggested, that 16 a be limited to coverage of maximum weight limitations and that 16 a (4) be placed elsewhere.

*no date*

32. Paragraph 16 f (5). No legal objection. This is based on Section 4 regulatory authority, and proper when qualified by subparagraphs (b) and (c) which follow. This is taken from FSTR 175.1.

*of the word "until"*

33. Paragraph 16 f (5) (b) (1). Paragraph 16 f (5) (b) (1) is legally objectionable in part. Section 4 (1) (E) of the CIA Act upon which it is based allows temporary storage "for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever is shorter." There is a basic difference between the meaning of the word "of" and the meaning of "until." The language used in Section 4 (1) (E) should be used in this subsection.

*no date*

34. Paragraph 16 f (5) (b) (2) is legally unobjectionable. It is taken from FSTR 175.2 b. However, it is unclear why storage in this instance is placed under "temporary storage." The authority to store in this instance and several other instances is based on Section 4 (1) (D) of the CIA Act. That Section does not limit this storage to temporary storage (as that concept is used in the instance of a transfer or new appointment). Also, Section 4 (1) (D) provides two other reasons for storage which are equivalent to those specified in FSTR 176. I believe these two instances should be treated by a separate subsection which identifies them as being exceptions to the usual instances of temporary storage, and thus excepted from the usual rules governing temporary storage.

*no date*

35. Paragraph 16 f (5) (b) (3) is adopted from FSTR 175.2d, and is based on the authority in Section 4 (1) (E) of the CIA Act. However, its language differs from Section 4 (1) (E) and I believe should be changed to accord with that Section which allows storage for a period "not to exceed three months." It establishes no date at which payment must begin. Therefore, there appears no reason why an employee who is separating from the Agency may not store his effects before his "last day of duty."

*no date*

36. Paragraph 16 f (5) (c). This authority is based on Section 8 of the CIA Act and, as such, is legally unobjectionable.

37. Paragraph 16 f (6). No legal objection. It is within the regulatory authority under Section 4.

38. Paragraph 17 a. I believe [redacted] a from which this Section was taken is preferable to the new paragraph 17 a. It too, however, might be improved in the manner discussed below. The new 17 a (1) would require a determination of whether travel by POV is "more expedient." If such travel is "more expedient" then, according to the regulation, the POV cannot be shipped. I do not believe Section 4 (4) intends this result. It allows shipment "in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination. . ." It does not require a decision as to what is "more expedient." A form of travel certainly can be expedient without necessarily being "more expedient." There are no legal objections to 17 a (2) and the remainder of paragraph a.

39. Paragraph 17 b. No legal objection. This is in accord with BOB Circular A-56, 8.4 (4), and FSTR 165.6.

40. Paragraph 17 c. No legal objection. It is within Section 4 authority.

41. Paragraph 17 d. No legal objection. It is within Section 4 (4) authority.

42. Paragraph 17 e. No legal objection. It is mainly administrative information. I am uncertain as to its source.

43. Paragraph 17 f. I do not find the basis for this authority. It does not come specifically from Section 4, nor is it available to the Foreign Service, nor to the rest of the Government under BOB Circular A-56. Emergency storage is allowable. See A-56 Section 8.6, and FSTR 177.1.

[redacted] ILLEGIB

44. Paragraph 17 g. No legal objection.

[redacted]  
Office of General Counsel

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11 OCT 1963

## MEMORANDUM FOR THE RECORD

SUBJECT: Review of Draft C of 

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1. This paper deals with the legality of Section   
 to Section  of the proposed regulation.  is not  
 included in this review.

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2. This Office must pose a legal objection to   
 of Draft C, the section dealing with Educational Travel. The  
 legal authority for this regulation is Section 221(4)(B) of the  
 Overseas Differential and Allowances Act, Title 5, Section 3037(B)  
 and the regulations promulgated thereunder by the Secretary of  
 State, Sections 280-285 of the Standardized Regulations (Government  
 Civilians, Foreign Areas). The present draft of  contains  
 various inconsistencies both with the statute and the regulations  
 promulgated by the Secretary of State. As this section is now  
 written, it would probably result in the disallowance of travel  
 expenses claimed under it in certain circumstances. It should  
 be noted and understood that the best way to promulgate a regulation  
 regarding this subject with any assurance to our employees as to  
 its validity in law would be to incorporate by reference the applicable  
 regulation promulgated by the Secretary of State. Otherwise,  
 assuming that our regulation is not inconsistent with the Secretary's,  
 we would have to change our regulation every time the Secretary of  
 State made a change. Incorporation by reference would lessen the  
 chance of an employee relying on a regulation which might in effect  
 be without legal authority and would therefore result in a dis-  
 allowance of his claim. Following is a detailed discussion of the  
 provisions in our regulation which are contrary to the legal authority  
 above noted. It should be remembered that even if such points  
 seem to be highly technical in effect they do point out a difference,  
 and in this case the difference is one between legality and illegality.

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GROUP 1  
 Excluded from automatic  
 downgrading and  
 declassification

**SECRET**

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a. The preamble to [ ] provides that ". . . a dependent child, brother or sister of an employee assigned to a post outside the United States is authorized travel at Government expense from the employee's post to a secondary school or undergraduate college in the United States and return." The designation of ". . . dependent child, brother or sister. . ." is not technically correct. [ ] defines a child as a dependent of the employee defined in subparagraphs 15(a)(1)(b) and (d). The definitions of child in these sections are inconsistent in part with the definitions incorporated by reference in the regulations promulgated on Educational Travel by the Secretary of State.

Subparagraph 15(a)(1)(b) of Draft C of [ ] defines children as ". . . including stepchildren and adopted children." The applicable section of the Standardized Regulations promulgated by the Secretary of State which applies to Educational Travel defines children as including ". . . stepchildren and legally adopted children." [ ] relating to sisters and brothers defines this category as including ". . . stepsisters and stepbrothers acquired by adoption of the employee or of the spouse when such sister or brother is dependent on the employee for at least fifty percent of his support. . ." The applicable regulation incorporated by reference in the Secretary of State's regulations defines this term in much the same manner but adds as a qualification ". . . when such sisters and brothers are citizens of the United States."

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b. In the preamble to [ ] reference is made to ". . . an employee assigned to a post outside the United States." This reference is incorrect. The applicable section of the statute provides such benefits for employees ". . . in a foreign area. . ." rather than employees assigned to a post outside the United States, as stated in our regulation. Foreign area as defined within the statute ". . . means any area (including the Trust Territory of the Pacific Islands) situated outside the United States, the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States. . ." The Department of State regulations on this subject also refer to a foreign area and define this term in the same manner (Section 040F). Any inconsistencies with either the Secretary's regulation or the statute on this point renders our regulation illegal.

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*mchay*

c. The last sentence of the preamble states that no educational allowance may be granted for periods following the child's arrival in the United States by way of Educational Travel. This sentence appears to be in need of clarification. In the State Department regulation on this subject, Section 282, it is stated that no educational allowance may be granted for certain periods following the child's arrival in the United States by way of Educational Travel. However, in the Secretary's regulation this sentence is further clarified by reference to 276.2 which states that ". . . an educational allowance shall not be paid for a child in the United States. . ." for the twelve-month period immediately following his arrival in the United States under Educational Travel authority (Section 280) nor for any period thereafter during which he continues to be educated in the United States.

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*mchay*

d. [redacted] refers to return Educational Travel to the employee's post ". . . outside the United States. . ." as discussed above. In the regulations promulgated by the Secretary reference is not made to return travel to the employee's post outside the United States but rather return travel to a foreign area. The inconsistency here is, of course, patently illegal.

*mchay*

e. It should be noted that under the statute allowing Educational Travel dependents of employees who are citizens of the United States, stationed in the Canal Zone, are authorized such expenses for undergraduate education notwithstanding the fact that the Canal Zone is not included in the definition of foreign area earlier in the act. While this exception is included in the Secretary's regulation (Section 283), it was not included in Draft C. We feel that this is obviously pertinent enough to be included.

*mchay*

f. Again we would think that incorporation by reference is the only answer to our regulatory problem regarding Educational Travel especially insofar as the protection of our employees is concerned.

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*mchay*

g. This Office must also pose a legal objection to [redacted]. As this regulation is now written, it is unclear whether or not it is applicable to all types of travel. I have spoken to Mr. [redacted] regarding this point. He has stated that it was not meant to apply to domestic travel and that he will clarify this point.

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h. [ ] deals with Time Limits for travel. While no strict legal objection is raised to such sections, it should be noted that the Foreign Service regulations seem to be more flexible and more liberal regarding exceptions to policy than Draft C. Surely our employees should be as well treated in our regulations as State Department employees are in theirs. I feel that along this line a review of this section is in order. As a general comment, it should be noted that the present regulation [ ] states that "an authorizing official may waive the limitations specified in subparagraphs 8(d)(1), (2), (3) and (4) above when in his judgment the circumstances justify such action." It might be well to include such a clause in [ ] Draft C at this time. It may be well to include such a clause in this section of Draft C to add flexibility to a regulation which in fact does not seem to give the employee as much leeway as similar State Department regulations.

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i. While we should not pose a strict legal objection to [ ], I am strongly of the opinion that any concurrence in this section should be conditional. The last sentence of this section states, "Where commitments were made before \_\_\_\_\_, but travel does not commence until on or after \_\_\_\_\_ and it is too late to alter arrangements, expenses will be allowed under whichever regulation favors the individual." The only basis that I can see for approval of such a vaguely worded provision would be the assurance that any interpretation of ". . .it is too late to alter arrangements. . ." would be resolved in favor of the employee in the event of a close question on this subject. Obviously another point which should be handled in much the same manner would be when "commitments" were made.

j. The rest of the sections covered by this memorandum seem to be within the bounds of applicable legal authority. Again I would like to point out that in certain instances referred to the Agency seems to be adopting a more strict policy towards its employees than the Department of State.

k. As can readily be seen in the sections covered by this memorandum, the main problems lie with Educational Travel. On this point I think that it should be made part

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Approved For Release 2003/04/17 : CIA-RDP81-00728R000100130007-3

of the record that this Office in a memorandum to the Office of the Comptroller/TAS, dated 5 August 1963, pointed out at least part of the problem. It does not appear, however, from Draft C that any attention was paid to this memorandum.



25X1A

OGC:FJD:kma (11 Oct 63)

Distribution:

Orig. - Subject  
1 - FJD Signer  
1 - Chrono.

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Approved For Release 2003/04/17 : CIA-RDP81-00728R000100130007-3

Bob:

The fundamental problem with this memo is the OGC insistence that we completely document each line item, and show the source of the authority. Our basic effort, as I understand it, is to provide the traveler with a concise, comprehensive coverage of his travel entitlements. If OGC would like to have an annotated copy, I suggest they do their own annotating. In any event, we could not disseminate such a document to the field. I believe we should reject their repeated statements that the SGTR's, or BOB circular letters, etc., be incorporated by reference and attached.

Neither do I agree that our use of the FSTR's as a precedent would require that any changes in those documents be automatically binding on the Agency even before we publish the changes. Under no circumstances should we ever acknowledge that State or BOB or anyone else could make administrative determinations within the Agency. If we have the authority to issue the regs in the first place, they should be effective until we rescind them. Example: State requires employees to pay part of the R&R travel, we do not.

PL 110, the CIA Act, in Section 4, gives the DCI what I regard as total authority for foreign travel. The only exception that OGC can come up with is a BOB reg concerning new employees hired for immediate and direct transfer overseas. I cannot conceive of any situation where this would apply to the Agency, and do not feel that we should undermine the authority of the reg by acknowledging such a far fetched exception. OGC will have the opportunity to review any proposed addition to the [ ] and can challenge the substance whenever they wish. Until they have a substantive legal problem we should continue on the assumption that the Agency has the authority to prescribe travel regulations. This is not to say we simply ignore the BOB and SGTR provisions. Instead, we carefully consider them and determine what is necessary for this Agency. OGC will have a voice in that determination.

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Mr. [ ] comment or representational per diem should be ignored. He doesn't understand the situational. This is a well established practice.

OGC 63-2711

**SECRET**

12 SEP 1963

MEMORANDUM FOR: Office of the Comptroller

ATTENTION: [redacted]

25X1A

SUBJECT:

Application of Government Travel Law  
and CIA Travel Law

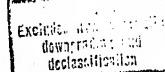
1. This is with reference to recent conversations among  
 Messrs. [redacted], which have suggested the need for legal advice on a number of specific points concerning travel. Among them is that of determining the situations and circumstances to which general Government travel law (basically, the Administrative Expenses Act of 1946 (AEA), the Travel Expenses Act of 1949 (TEA), and the Standardized Government Travel Regulations (SGTRs)) must be applied and, consequently, those to which Section 4 of the CIA Act, and regulations thereunder, may be applied.

25X1A

2. The AEA, the TEA and the SGTRs apply to all Government travel and transportation, including that of CIA, both domestic and foreign, in the absence of special authorities or exceptions. Additional specific authority is provided this Agency by the CIA Act, mainly Section 4 thereof.

3. As mentioned, the AEA, TEA and the SGTRs, by their terms, apply to Government travel generally, while Section 4 of the CIA Act is restricted to Agency officers and employees "assigned to duty stations" [redacted] and everywhere else in the world outside the 48 States and the District of Columbia. The quoted language is a 1960 amendment which replaced the words "assigned to permanent-duty stations." The line therefore seems clear as to a number of situations:

(a) It is clear that all PCS travel from any point in the 48 States and the District of Columbia to any other such point is subject to the SGTRs.

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(b) The same would apply with respect to any TDY travel between such points by a person whose permanent-duty station is in the 48 States or the District of Columbia.

(c) Equally clear, all PCS travel between two points, both of which are in Alaska, Hawaii, or any other place outside the 48 States and the District of Columbia, need not be subject to the SCTRs.

(d) The same would be true of TDY travel between any such points by any person whose PCS or TDY point is at any such point.

3. Since Section 4 is applicable only with respect to officers and employees "assigned" to duty stations outside the 48 States and the District of Columbia, there may be some question as to the applicability of that Section to both trips of an assignment from a point within the 48 States and the District of Columbia to a point outside such an area and subsequent assignment to a point within such area. The thought is that an employee whose assignment is, for example, PCS Washington to PCS [redacted] to PCS Washington, at one end or the other of those two trips is not "assigned" to [redacted] and therefore, as to one leg of his trip, may not travel under Section 4 authority. The legislative history, however, does not suggest this meaning was intended, nor has its administration and interpretation through the years adopted such a meaning. Moreover, the "words and phrases employed in a statute should be given a reasonable and sensible construction to carry out, if possible, the intention of the legislature" (632 Corpus Juris Secundum 329). We believe Section 4 is authority for travel and transportation PCS from a point within the 48 States and the District of Columbia to a point outside such area, and for travel and transportation PCS from a point outside the 48 States and the District of Columbia to a point within such area. TDY travel in either such direction also could be performed under the authority of Section 4.

4. As we have indicated, we believe "assigned to duty stations" in the opening language of Section 4 of the CIA Act, conferring authorities with respect to officers and employees assigned to duty stations outside the 48 States and the District of Columbia, refers to both PCS and TDY duty stations. However, we believe the terms "post of duty," "post of assignment," "post," "new post," and "last post," as used in subsections (l)(B), (C), (D), (E), and (F) of Section 4, mean a permanent-duty post only.

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5. Additional to the foregoing, under Section 8(a)(1) of the CIA Act the Agency is authorized "subject to policies established by the Director," to pay the "expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be of benefit in the conduct of the work of the Agency." This authority also could be exercised without reference to the SGTRs and their authorizing statutes. And, of course, when security or operational needs require, Section 8 would permit Agency travel without regard to general Government travel law or Section 4.

(Signed)

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Associate General Counsel

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BY  
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**SECRET**

OGC 63-2518(a)

29 AUG 1963

MEMORANDUM FOR: [REDACTED]

25X1A

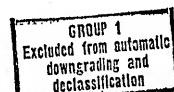
SUBJECT: Revision of Travel Regulations

1. As you know, the exchange of correspondence among Mr. Gross, Mr. Karamessines and Colonel White in April and May put into operation a special procedure for the drafting of revised Agency travel regulations. At an appropriate stage, any draft prepared by that procedure would require coordination by interested components of the Agency. Also, I believe it is recognized by all that this regulation is too intricate and too voluminous (79 pages) to ever be put, for any useful purpose, within the five-day rule. For these reasons, I feel it is frequently difficult to be agreed as to where current action responsibility rests.

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2. Mr. [REDACTED] left with me a few days ago a copy of Draft C of the proposed revision. This Draft may differ somewhat from earlier ones, to reflect the comments of interested components, including this Office. Also, as a result of recent conversations with Mr. [REDACTED], this Office has addressed to the Comptroller opinions concerning the availability of educational travel expenses, leave travel expenses, and home leave for persons assigned to Alaska and Hawaii. Two other opinions on specific points raised by those conversations are now in process and other questions may require additional memoranda. We are exploring these matters now with Mr. [REDACTED] and Mr. [REDACTED]. The Office of the Comptroller thereupon may want to suggest changes in Draft C.

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3. We have arranged for the production of several additional copies of Draft C to facilitate our review. Simultaneously with the preparation of the opinions above, we are reviewing the Draft and will prepare our comments accordingly. We are aware of course that there is some urgency on this regulation and we are giving it an appropriate priority. However, as we attempted to indicate in several of our earlier memoranda and discussions, the subject of Government travel law and CIA travel law, together with the achievement of statehood by Alaska and Hawaii, is an extremely complicated and intricate field. Also, since Draft C does not specify or identify by its organization or text the bases for its many provisions, it is necessary to test every item in it to ascertain the legal authority for it. (This burden of course is reduced somewhat by the work done heretofore on earlier drafts and on the regulations now on the books.) I believe the current exercise represents the first occasion for a comprehensive look at Agency travel regulations to take into account the new States and the amendments to the CIA law and to adopt, where applicable, the new FSTRs. The effort should be a very useful one therefore and should do much to reduce administrative and legal problems in the future.



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Associate General Counsel

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Next 8 Page(s) In Document Exempt

MEMORANDUM FOR THE RECORD

25X1A

SUBJECT: [redacted]

I spoke with a member of the General Counsel's Office, GAO, and recited the desire here to utilize as Agency travel regulations the FSTRs, or revised FSTRs, which would require, in some situations at least, the application of rules which are not precisely the SGTRs. I pointed out that a very high percentage of our total travel is foreign travel and therefore could be subject to the FSTRs under the authority of our section 4. After some discussion he advised that in the absence of an operational need, he saw no basis which would justify us in failing to comply with the SGTRs for domestic travel. His advice covered both the SGTRs as a general guide and the per diem formula which that encompasses.

[redacted]  
25X1A

Associate General Counsel

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cc: Mr.  
Mr.  
Mr.  
Mrs.

[redacted]  
[redacted]  
[redacted]

7/30 10:05 AM '83

**SECRET**

GROUP 1  
Excluded from automatic  
downgrading and  
declassification



SECRET CCC 63-2167

24 July 1963

## MEMORANDUM FOR THE RECORD

25X1A

SUBJECT: [REDACTED]

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1. Following the meeting in Mr. [REDACTED] office on Monday, 22 July, attended by Mr. [REDACTED], Mrs. [REDACTED]

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[REDACTED] and I met again today. Mr. [REDACTED] had indicated the Comptroller's Office proposed additional changes in the draft which has been circulated. It was thought that some of these changes might touch points which this Office also has noted. After reviewing Draft B for an hour and one half or so, it was agreed that our present pace would require quite a few more hours. I suggested that in any event the changes proposed by the Comptroller's Office would want to be seen by all recipients of Draft B and that all of us would need to examine them with somewhat more care than could be done at a meeting of this nature. It was agreed the Comptroller's Office will prepare an appropriate memorandum for all concerned.

I did not  
see this.  
GHC

2. We also discussed this morning the problem of the applicability of the SGTRs and the Agency's legal authority to ignore them, either in toto or on the per diem point alone. It was agreed that I would take this up informally with GAO to seek at least their informal advice.

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3. I mentioned also that barring favorable response from GAO, we believe the legal aspects are as stated in my memorandum of 19 July to Mr. [REDACTED].

COMINT 9/63  
REF ID: A63

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"Associate General Counsel



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**Next 1 Page(s) In Document Exempt**

(1963) LEGAL ADVICE

2 of 3

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DPS/S 63 - 3105

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OGC 63-1935(a)

19 JUL 1963

MEMORANDUM FOR: Executive Assistant to the Deputy  
Director (Support)

SUBJECT:

Proposed Revision of [redacted]

25X1A

25X1A

1. As you recall, on 2 July at about 6:00 p.m., you indicated to me that you had received a new draft of the proposed revision of [redacted] (designated as Draft B) which you could release for formal coordination under the five-day rule. In view of the size of the draft (69 pages, plus 3 attachments) and the special procedures by which this draft had come into existence, however, you inquired whether we would be in a position to coordinate within five days. On 5 July I advised you we would prefer not to have to work under such a short deadline, but I agreed we would give it prompt attention. (It seems appropriate to note, in this connection, that the review problem is extensive, both in size and complexity. In addition to the CIA and Foreign Service Acts, three other statutes and a number of BOB circulars and regulations issued by the Secretary of State, totaling hundreds of pages, which include a complex of delegations, cross references, and exceptions, are involved.)

2. I believe it would be useful to outline the scope and nature of the legal structure against which the regulation must be measured. Basic and foremost, of course, is that this Agency, as all others, may act only pursuant to authority. Travel law applicable to the Government applies also to this Agency, with certain minor exceptions. The travel law of the Government is prescribed by the Administrative Expenses Act of 1946, the Travel Expenses Act of 1949, the Overseas Differentials and Allowances Act, Executive Orders, BOB Circular No. 7, Revised (Standardized Government Travel Regulations (SGTRs)), BOB Circular A-56 and Attachment A, and the Standardized Regulations (Government Civilians, Foreign Areas). Specific authority for this Agency is in

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Section 4 of the CIA Act for foreign travel and the extraordinary authority of Section 8, when and if warranted by our special problems. Section 4 is identical with some of the travel provisions of the Foreign Service Act and is similar to other provisions of that Act, and it is this common statutory background with Foreign Service law that brought forth the Bross-Karamessines-White correspondence (and subsequent conversation with Mr. Houston), looking to the adoption or adaptation by CIA of the travel rules utilized by the Foreign Service, namely, the Foreign Service Travel Regulations (FSTRs). However, there is a basic difference between the Foreign Service Act travel provisions and those of the CIA Act which complicates the effort to apply the FSTRs for Agency travel. The Foreign Service Act applies with respect to Foreign Service travel throughout the world; Section 4 of the CIA Act applies only with respect to CIA officers and employees assigned to duty stations outside the United States.

3. A second basic guideline by which the draft must be tested is the Bross-Karamessines-White correspondence (26 April, 26 April, 1 May and 3 May). I believe the agreement which that exchange set forth was that the FSTRs appear equitable and sound, adaptation would be desirable and beneficial for this Agency since the Foreign Service is utilized for much of our official cover travel abroad, and for these reasons the FSTRs should be adopted by this Agency. In his memorandum of 26 April Mr. Bross stated:

"Since under Section 8 of PL 110 this Agency has the legal authority to adopt the provisions of regulations of other Government agencies, I recommend you approve adoption effective 15 May 1963 of the provisions of the amended Foreign Service Travel Regulations subject to editorial modifications consistent with Agency organization and delegations of authority."

This point was not touched on elsewhere in the four memoranda. It appears, therefore, that the intention was to apply the FSTRs (with suitable modification) for CIA travel, both within and outside the United States. As you know, Section 8 provides extraordinary authorities for this Agency in recognition of the extraordinary functions of this Agency. However, the Comptroller General has pointed out the Congressional intent that such authorities did not contemplate "a disregard of any control with respect to the normal administrative or operating problems which confront the ordinary Government agency." In view of this language,

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it would be our view that Section 8 may not be invoked to permit us to disregard ordinary law which applies with respect to domestic travel. Thus the objective set forth in the several memoranda may not be accomplished in toto and we may apply the FSTRs only to our foreign travel. There may be advantages in doing so, particularly because [redacted] is used extensively. On the other hand, it might be preferable to utilize the SGTRs for all our travel, domestic and foreign, and I understand the current [redacted] in large part does this. In any event, I believe that as a matter of law we have only two choices:

25X1A

- (a) Utilize the FSTRs for foreign travel and the SGTRs for domestic travel.
- (b) Utilize the SGTRs for all travel.

Under either choice, it would be proper to make suitable and necessary modifications for CIA needs.

4. The current draft appears to draw from both the SGTRs and the FSTRs, but it does not apply them separately to domestic and foreign travel. In view of the legal requirements above, we therefore cannot approve the draft. It should be pointed out, in this connection, that there may not be much substantive difference between the SGTRs and the FSTRs on any one item or subject and the draft therefore may not differ much from either. Nevertheless, by paraphrasing in our draft the provisions of SGTRs which are binding on us, we surely paraphrase the meaning also. Moreover, the draft recognizes that it cannot escape the SGTRs altogether. Paragraph 1a(2) states that [redacted] "supplements and is subordinate to other executive regulations." Thus the traveler under [redacted] as well as those who administer and interpret it, will have to read and understand [redacted] and "other executive regulations," and make his best effort to comply with both.

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5. We have a number of objections concerning organization, format, style, and language, looking to simplicity and clarity, but in view of the foregoing they would be wasteful at this stage. Also,

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25X1A

Mr. [redacted] advises that the Office of the Comptroller has changes to propose and Draft B has not received the blessings of that Office.

[redacted]  
25X1A

Associate General Counsel

cc: Deputy SSA-DD/S  
Office of the Comptroller

25X1A

**SECRET**

OGC 63-1935(a)

19 JUL 1963

MEMORANDUM FOR: Executive Assistant to the Deputy  
Director (Support)

SUBJECT: Proposed Revision of [redacted]

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25X1A

1. As you recall, on 2 July at about 6:00 p.m., you indicated to me that you had received a new draft of the proposed revision of [redacted] (designated as Draft B) which you could release for formal coordination under the five-day rule. In view of the size of the draft (69 pages, plus 3 attachments) and the special procedures by which this draft had come into existence, however, you inquired whether we would be in a position to coordinate within five days. On 5 July I advised you we would prefer not to have to work under such a short deadline, but I agreed we would give it prompt attention. (It seems appropriate to note, in this connection, that the review problem is extensive, both in size and complexity. In addition to the CIA and Foreign Service Acts, three other statutes and a number of BOB circulars and regulations issued by the Secretary of State, totaling hundreds of pages, which include a complex of delegations, cross references, and exceptions, are involved.)

2. I believe it would be useful to outline the scope and nature of the legal structure against which the regulation must be measured. Basic and foremost, of course, is that this Agency, as all others, may act only pursuant to authority. Travel law applicable to the Government applies also to this Agency, with certain minor exceptions. The travel law of the Government is prescribed by the Administrative Expenses Act of 1946, the Travel Expenses Act of 1949, the Overseas Differentials and Allowances Act, Executive Orders, BOB Circular No. 7, Revised (Standardized Government Travel Regulations (SGTRs)), BOB Circular A-56 and Attachment A, and the Standardized Regulations (Government Civilians, Foreign Areas). Specific authority for this Agency is in

Section 4 of the CIA Act for foreign travel and the extraordinary authority of Section 8, when and if warranted by our special problems. Section 4 is identical with some of the travel provisions of the Foreign Service Act and is similar to other provisions of that Act, and it is this common statutory background with Foreign Service law that brought forth the Bross-Karamessines-White correspondence (and subsequent conversation with Mr. Houston), looking to the adoption or adaptation by CIA of the travel rules utilized by the Foreign Service, namely, the Foreign Service Travel Regulations (FSTRs). However, there is a basic difference between the Foreign Service Act travel provisions and those of the CIA Act which complicates the effort to apply the FSTRs for Agency travel. The Foreign Service Act applies with respect to Foreign Service travel throughout the world; Section 4 of the CIA Act applies only with respect to CIA officers and employees assigned to duty stations outside the United States.

3. A second basic guideline by which the draft must be tested is the Bross-Karamessines-White correspondence (26 April, 26 April, 1 May and 3 May). I believe the agreement which that exchange set forth was that the FSTRs appear equitable and sound, adaptation would be desirable and beneficial for this Agency since the Foreign Service is utilized for much of our official cover travel abroad, and for these reasons the FSTRs should be adopted by this Agency. In his memorandum of 26 April Mr. Bross stated:

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it would be our view that Section 8 may not be invoked to permit us to disregard ordinary law which applies with respect to domestic travel. Thus the objective set forth in the several memoranda may not be accomplished in toto and we may apply the FSTRs only to our foreign travel. There may be advantages in doing so, particularly because Foreign Service cover is used extensively. On the other hand, it might be preferable to utilize the SGTRs for all our travel, domestic and foreign, and I understand the current [redacted] in large part does this. In any event, I believe that as a matter of law we have only two choices:

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- (b) Utilize the SGTRs for all travel.

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(a)

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5. We have a number of objections concerning organization, format, style, and language, looking to simplicity and clarity, but in view of the foregoing they would be wasteful at this stage. Also,

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25X1A

Mr. [redacted] advises that the Office of the Comptroller has changes to propose and Draft B has not received the blessings of that Office.

[redacted]  
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Associate General Counsel

cc: Deputy SSA-DD/S  
Office of the Comptroller  
(Mr.  
O/DD/P  
(Mr. [redacted])

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CONFIDENTIAL  
BEFORE DISCUSSION

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OGC 63-1782(a)  
CONFIDENTIAL

24 JUN 1963

MEMORANDUM FOR: Office of the Comptroller

ATTENTION: Mr. [redacted] 25X1A

SUBJECT: Revision of Agency Travel Regulations

1. This is in response to Mr. [redacted] memorandum of 19 June to this Office and is further in confirmation of my conversation with Mr. [redacted] on Friday, 21 June. 25X1A  
25X1A

2. I believe there is some misunderstanding as to Mr. [redacted] position referred to at the meeting between him and Mr. [redacted] on 13 June, which was attended also by Mr. [redacted]. Mr. Warner in fact did not approve the draft you designate as the "Working Group" draft. In any event, however, as a result of that conference, Mr. [redacted] prepared a new draft, drawing on both the "Working Group" draft and the one forwarded by memorandum of 5 June. The [redacted] draft then was transmitted to Mr. [redacted] who is preparing still another. It is understood this draft will be made available for review at an early date. 25X1A  
25X1A

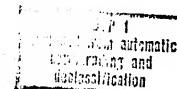
[redacted]

25X1A

Associate General Counsel

cc: O-DD/S - Mr. [redacted]  
O-DD/P - Mr. [redacted] 25X1A

CONFIDENTIAL



~~CONFIDENTIAL~~

19 June 1963

MEMORANDUM FOR: General Counsel

SUBJECT : Revision of Agency Travel Regulations

REFERENCE : Memorandum dated 5 June 1963 (OGC 63-1625) from the  
Associate General Counsel to the Comptroller,  
DDS, and DDP, Subject: Adoption of the Foreign  
Service Travel Regulations by CIA

25X1A

1. Following his conversation of Friday, 14 June, with Mr. Warner, [redacted] told us that Mr. Warner had said that OGC agreed with the approach taken in the draft revision of [redacted] which the Working Group had prepared and which OGC had reviewed and that it was satisfactory to OGC. We understand this to mean that the various provisions of the draft, (some of which are picked up from the existing [redacted] (which includes the SGTR's), others of which are prompted by consideration of provisions contained in the Foreign Service Travel Regulations but [redacted] not yet part of the Agency's travel regulation), including the application of these provisions, are all within the legal authority of the Director to prescribe for the Agency.

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2. Will you please confirm that this understanding is accurate or if it is not accurate, provide us with a written statement of the OGC opinion as to which provision(s) or its application is not legal. Since further action on the revision will be postponed pending your reply an early response will be appreciated.

151

25X1A

[redacted]  
Chairman, Working Group

## Distribution:

0 - Addressee

1 - EA/DDS

1

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[redacted]
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~~CONFIDENTIAL~~

memo for the Record

6/14/63 RBF phoned to say he had talked to John Warner and that OGC has agreed with our approach but that they have some editorial suggestions; e.g., where our [redacted] and State's language are near, use State Dept language. OGC is writing a preamble to explain "how we got here" and [redacted] will bring it down Monday and explain to [redacted]

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Approved For Release 2003/04/17 : CIA-RDP81-00728R000100130007-3

Approved For Release 2003/04/17 : CIA-RDP81-00728R000100130007-3

## TRAVEL, TRANSPORTATION, AND STORAGE OF EFFECTS

25X1A

## 1. Applicability and Organization of this Regulation.

a. This Regulation, including other Government regulations specified herein, prescribes all the rules which control the travel, transportation, and storage of effects inside and outside the continental United States of Agency personnel assigned either to temporary duty or on permanent change of duty orders. Those provisions of the Foreign Service Travel Regulations (FSTRs) incorporated herein are hereby adopted and apply with respect to the travel, transportation, and storage of effects of Agency officers and employees assigned to duty stations outside the continental United States. Amendments and additions made by the Department of State to the FSTRs shall apply to Agency personnel only if reissued by this Agency as an integral part of this Regulation.

Provisions of this Regulation for travel outside continental United States not based on the FSTRs are based on special authorities granted by section 8 of the CIA Act of 1949, as amended, and PCS travel within continental United States is based upon the provisions of the Standardized Government Travel Regulations (SGTRs), attached hereto as Attachment A to this Regulation. Amendments and additions to the SGTRs with respect

This private in O&C  
given PCS by [redacted]  
6/1/63

25X1A

to travel, transportation, and storage of effects of Agency officers and employees assigned within the continental United States shall apply as of their effective date and will issue as revisions of Appendix A.

b. Except as provided herein, this Regulation shall be effective 1 July 1963. Travel orders issued and in force on the effective date of this Regulation shall be performed in accordance with the regulations in force on the date the orders were written. Such orders may be amended under this Regulation. Any such amendment shall not have retroactive effect.

S-E-C-R-E-T

TRAVEL

25X1A

DRAFT A

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This copy contains notations  
Made by [redacted]  
Based on discussions w/ [redacted]

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S-E-C-R-E-T

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TRAVEL

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S-E-C-R-E-T

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DP81-00728R009100130007-  
Complaint to Plaintiff PS 1007  
EST TRAVEL

## 19. BAGGAGE

### a. DEFINITIONS

- DEFINITIONS**

  - (1) **BAGGAGE.** Government property and personal property of the traveler necessary for the purposes of the official travel, including such articles as may be needed for immediate use at the destination.
  - (2) **EXCESS BAGGAGE.** As defined in SOTR section 5.2.
  - (3) **UNACCOMPANIED BAGGAGE.** The special excess baggage allowance granted automatically in connection with PCS travel to, from, or between posts abroad.
  - (4) **TRANSFER CHARGES.** Charges by carriers for transferring baggage between terminals or pick up and delivery charges by transfer or express companies.
  - (5) **HANDLING CHARGES.** Fees or tips to porters and stewards.

## **6. AUTHORIZATIONS**

- (1) EXCESS BAGGAGE. Specific authorization or approval with respect to weight limitations and method of shipment is required for excess baggage (including Government property).

(2) UNACCOMPANIED BAGGAGE. Each person authorized to travel at Government expense in connection with a PCS transfer to, from, or between posts abroad is hereby authorized to ship 300 pounds of unaccompanied personal baggage by surface freight or express, except that 100 pounds of each 300 pounds authorized may be shipped by air freight or air express over those portions of the traveler's journey for which air travel is authorized and used by the traveler.

c. ALLOWABLE EXPENSES. Costs incurred in connection with baggage for which reimbursement may be claimed subject to the limitations indicated below and to the provisions of SGTR section 5, are as follows:

**TYPE OF BAGGAGE**

#### **REIMBURSABLE COSTS**

- TYPE OF BAGGAGE**

(1) Baggage carried free by transportation company.

(2) Excess baggage.

(3) Unaccompanied baggage.

**REMARKABLE COST**

Transfer, storage, and checking charges within limits of the free weight allowance. Handling charges are allowed only in connection with Government property.

Transportation, transfer, storage, and checking charges for weight and method of shipment authorized or approved except that when more than one mode of travel is authorized and used and the amount of free weight allowance varies between modes, charges for transfer and checking may be allowed for unauthorized baggage considered excess by one mode but carried free by another mode authorized and used for the same journey. Handling charges are allowed only in connection with Government property.

Transportation, transfer, storage, checking, and packing charges within the 300 pounds limitation per traveler.

#### **d. SPECIAL PROVISIONS**

- (1) All shipments of baggage must be commenced not later than 30 days after completion of travel.
  - (2) When less than first-class air accommodations are used and the free weight allowance is less than allowed for first-class air accommodations, baggage charges up to the weight carried free on first-class service is hereby authorized.
  - (3) When it is determined to be in the interest of the Government, shipment by air express or air freight may be authorized or approved for all or any portion (weight) of the unaccompanied baggage allowance authorized under paragraph 12b(2), above, irrespective of the mode of travel authorized or used by the traveler.
  - (4) Any unused weight of the unaccompanied baggage allowance referred to in subparagraph 12b(2), above, may be applied as an off-set against excess effects shipments (weight) (see, paragraph 11a(2)(a)(3)).
  - (5) Weight of official property authorized for shipment as unaccompanied baggage will not be charged against the unaccompanied personal baggage allowance referred to in 12b(2), above.

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Revised:

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TRAVEL

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162.6-1 b. CHANGE IN LIMITATION

(1) AFTER GRADE INCREASE OR CHANGE IN FAMILY STATUS. When the grade of an employee is increased after the issuance of a travel authorization so as to place him in a higher group, or when a change in family status occurs which would entitle an employee to a higher weight allowance, the cost of transporting effects within the increased allowance may be authorized from his old post or the United States to his post of assignment.

162.6-2 (2) AFTER GRADE DECREASE OR CHANGE TO "NO FAMILY" STATUS. When the grade of an employee is decreased or when he reverts to a "no family authorized to travel" status, so as to place him a lower weight allowance category, the first authorization under which a shipment of effects is made subsequent to the date of the change will impose the new limitation insofar as the movement of effects to the post of duty is concerned. It will, however, constitute an automatic extra authorization to transport to his place of residence in the United States, its possessions or the Commonwealth of Puerto Rico an amount of effects representing the difference between the former and the new limitation, but the combined shipments shall not exceed the amount of effects possessed at the time of the change in status. The amount of effects representing the difference between the former and the new limitation may not be stored at Government expense.

S-E-C-R-E-T

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[redacted] (1963) LEGAL ADVICE

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OGC 63-1625

5 June 1963

(Rec'd  
6/7/63  
9:30 am)

## MEMORANDUM FOR: Comptroller

Attn: Mr. [redacted]	25X1A
Deputy Director (Support)	
Attn: Mr. [redacted]	25X1A
Deputy Director (Plans)	
Attn: Mr. [redacted]	25X1A

## SUBJECT:

Adoption of the Foreign Service Travel  
Regulations by CIA

1. Attached hereto for consideration is a draft of the opening provisions of a regulation designed to accomplish the objectives of the recent memoranda of Mr. Bross, Mr. Karamessines and Colonel White. Also attached is a rough draft of additional provisions which pick up the Foreign Service Travel Regulations (FSTRs) and indicate others which the final draft would pick up. I have included in this document for the consideration of all a number of FSTRs which perhaps should not be included in the final draft.

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2. As you will see, the regulation would be in very simple form. It would indicate that only those FSTRs which are issued as part of this regulation apply to the Agency and that future FSTRs, when and if also issued by the Agency, and only if issued by the Agency, would thereupon apply to our people. (Alternately, this could be set up in such a way that future FSTRs will apply when issued by State, leaving it to the Agency to "repeal" them for the Agency if the Agency did not want them.) There would also be other provisions which apply with respect to overseas travel in those cases where the FSTRs are not desired. For example, home leave travel, R&R travel and others. The draft also adopts by reference the Standardized Government Travel Regulations, for domestic travel, and indicates that changes to those will apply to our people whenever such changes are made and without regard to their reissuance by this Agency. As you know, the Standardized Government Travel Regulations do apply to the Agency even if they are not reissued by the Agency.

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3. It may be necessary to include another Part which would contain appropriate procedures. Also, it may be necessary to provide for special exceptions for cover people, or other special features because of our special problems.

4. Those provisions of the FSTRs to be included would be in identical language except that appropriate substitutions and deletions would be made, e.g., "Agency" for "Service," or "State Department," deletion of reference to USIA, etc. Any instances where a substantive rule different from the FSTR counterpart is desired, that provision would be included in the Part which does not adopt the FSTRs.

5. I believe the approach embodied in the draft is legally necessary if we are to carry out the objectives. Specifically, those FSTRs we do adopt must be adopted with exactness, the regulation must indicate in the text that the FSTRs are being adopted and must also indicate the treatment in Agency regulations which will be given to amendments to the FSTRs.

6. If this approach is agreeable, I think it would be relatively simple and not time consuming to draft the necessary additional provisions. I would suggest that the four of us meet for this purpose at an early date. In this connection, during my absence for the next few days, please contact Mr. [redacted] or Mr. John

25X1A

S. Warner [redacted]

25X1A

PS/

[redacted]  
Associate General Counsel

25X1A

## Attachments

25X1A

cc: Mr. [redacted] w/atts  
Mr. [redacted] atts

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SECRET  
1 MAY 1963

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Proposal to Adopt the Foreign Service Travel  
RegulationsREFERENCES : a. Memo dtd 26 Apr 63 to DD/S fr Compt.  
same subject  
b. Memo dtd 1 May 63 to Compt fr DD/S.  
same subject1. I agree with the content of reference b. and you are advised  
as follows:

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Mr. [ ] has been designated by this Office  
as chairman of the working group consisting of Mr. [ ]

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[ ] (who I have been informed you designated as a  
representative to the group) and Mr. [ ] who has  
been designated by the Deputy Director (Plans) to the group.

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Also, the General Counsel has designated Mr. [ ]  
[ ] to work with the group in order to furnish legal  
guidance as required. This Office will also take appropriate  
steps to establish a liaison between our Office and the  
Department of State for the purpose of keeping abreast of  
proposed changes in the Department's travel regulations.

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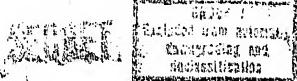
2. As proposed by reference b. we have not established a  
specific deadline for the completion of the task but have instructed  
our representative, Mr. [ ] to proceed as rapidly as possible  
in preparing the required regulation and related handbook.15/  
JOHN A. BROSS  
Comptroller

RHF/ss

Distribution:

Orig. & 1 - Addressee	1 - DD/P
1 - Signer	1 - Mr. [ ]
1 - TAS	1 - Mr. [ ]
1 - Mr. [ ]	

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DPLS 63-1769  
EDP/ 3-2119...

26 APR 1963

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Recommendation that the Agency Adopt the Provisions of the Foreign Service Travel Regulations as Amended 15 March 1963

REFERENCE : Foreign Affairs Manual - Volume 6 - General Services - Transmittal Letter: GS-10 - dated 15 March 1963 - Subject: Travel, Transportation, and Storage of Effects

1. This memorandum requests your approval of a proposal that the Agency adopt for its application the provisions of the Foreign Service Travel Regulations, as amended, to become effective 15 May 1963. I strongly recommend this action in the interest of efficient administration and in the belief that the provisions of the amended regulations are equitable and sound.

2. As you know most of the provisions of our current travel regulations have been patterned after those of the Department of State, but this action has historically been a piecemeal effort which is time consuming and which has created many administrative problems with respect [redacted]

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3. Since under Section 8 of PL 110 this Agency has the legal authority to adopt the provisions of regulations of other Government agencies, I recommend you approve adoption effective 15 May 1963 of the provisions of the amended Foreign Service Travel Regulations subject to editorial modifications consistent with Agency organization and delegations of authority. This proposal has as indicated below the concurrence of the Deputy Director (Plans).

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4. In view of the importance of providing advance notification to Agency components including field installations, a representative of this Office will be available to collaborate with your Office in the immediate recasting of the present [redacted] and the establishment of a related Agency Handbook to provide as necessary specific instructions for the implementation and administration of the adopted basic policy.

25X1A

JOHN A. BROSS  
Comptroller

CONCUR: *as replacement on behalf of [redacted]*  
[redacted]  
SA 3 22 APR 1963

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For Deputy Director (Plans)

Date

APPROVE:

0-D012

Deputy Director (Support)

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Date

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

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3-2.118

2 C APPROVED

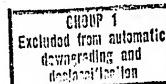
MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Recommendation that the Agency Adopt the  
Provisions of the Foreign Service Travel  
Regulations as Amended 15 March 1963REFERENCE: Memorandum of 26 April 1963, subject as  
above, from the Comptroller

1. I agree in principle with the proposal that the Agency adopt the provisions of the Foreign Service Travel Regulations.

2. If the proposal is approved, I believe the necessary recasting of the Agency's travel regulations and handbooks, headquarters and field, should be accomplished as quickly as possible, and this office will cooperate to that end. I do not agree with the stipulation of 15 May as the effective date. In fact, the selection of any effective date at this time would appear to be a mistake. There will almost certainly be a number of substantive questions to consider. Even if there were not, the mere processing and printing of publications as lengthy as these would require considerable time. Additional time would be required for distribution. Also there might be some advantage in having new publications in the hands of recipients in advance of their effective date, as was done in the case of the revised Foreign Service Travel Regulations themselves.

3. It is my understanding that, if the proposal is approved, this office will receive draft revisions of the Agency travel regulations and handbooks for review. That is a necessary step. Given receipt of such

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drafts, this office will process them promptly. I suggest however that this phase of processing, although it will be accelerated, be considered informal rather than formal coordination.

\*

[Redacted]

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Richard Helms  
Deputy Director (Plans)

cc: Comptroller

\*This concurrence in principle is conditioned on the clear understanding that the Clandestine Services, the component most directly affected by this proposal, will have all the opportunity and time required to examine the amended regulation closely and to propose necessary changes in the interests of efficiency and operational expediency. The approval is being given in advance of such consideration because of the apparent urgency in adopting the new regulation.